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STATUTORY INSTRUMENTS

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**2009 No. 411**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Charges for Drugs and  
Appliances) and (Travel Expenses and Remission  
of Charges) Amendment Regulations 2009**

<i>Made</i>	- - - -	<i>27th February 2009</i>
<i>Laid before Parliament</i>		<i>5th March 2009</i>
<i>Coming into force</i>		
<i>regulations 1 to 3</i>		<i>1st April 2009</i>
<i>regulation 4</i>		<i>6th April 2009</i>
<i>regulation 5</i>		<i>7th April 2009</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 172, 174, 182, 183, 184 and 272(7) and (8) of the National Health Service Act 2006<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Charges for Drugs and Appliances) and (Travel Expenses and Remission of Charges) Amendment Regulations 2009 and shall come into force as follows—

- (a) regulations 1 to 3 on 1st April 2009;
- (b) regulation 4 on 6th April 2009;
- (c) regulation 5 on 7th April 2009.

(2) In these Regulations—

“the Charges Regulations” means the National Health Service (Charges for Drugs and Appliances) Regulations 2000<sup>(2)</sup>; and

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(1) 2006 c.41. By virtue of section 271 of the Act the powers conferred on the Secretary of State by those sections are exercisable only in relation to England.  
(2) S.I. 2000/620; relevant amendments are made by S.I. 2000/3189, 2002/548, 2002/2352, 2003/1084, 2004/696, 2004/865, 2005/578, 2007/1510, 2007/1975 and 2008/571.

“the Travel Expenses and Remission of Charges Regulations” means the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(3).

### **Amendment of the Charges Regulations to increase charges**

2.—(1) The Charges Regulations are amended as follows.

(2) In each of the following provisions, for “£7.10” in each place that it occurs substitute “£7.20”—

- (a) regulation 3(1)(a) and (b), (1A)(b)(i) and (ii) and (4) (charges for the supply of drugs and appliances by chemists);
- (b) regulation 4(1)(a) and (b) and (4) (charges for the supply of drugs and appliances by doctors);
- (c) regulation 4A(1)(a) and (b) (charges for the out of hours supply of drugs and appliances by providers of out of hours services);
- (d) regulation 5(1)(a) and (d) and (5) (charges for the supply of drugs and appliances by NHS trusts, NHS foundation trusts and Primary Care Trusts);
- (e) regulation 6(1)(a) and (b) and (4) (charges for the supply of drugs and appliances at Walk-in Centres); and
- (f) regulation 6A(1) (charges for the supply of drugs under Patient Group Directions).

(3) In each of the following provisions, for “£14.20” in each place that it occurs substitute “£14.40”—

- (a) regulation 3(1)(a) and (1A)(b)(i) (charge for the supply of a pair of elastic hosiery by chemists);
- (b) regulation 4(1)(a) (charge for the supply of a pair of elastic hosiery by doctors);
- (c) regulation 4A(1)(a) (charge for the out of hours supply of a pair of elastic hosiery by providers of out of hours services);
- (d) regulation 5(1)(a) and (c) (charge for the supply of a pair of elastic hosiery or tights by NHS trusts, NHS foundation trusts or Primary Care Trusts); and
- (e) regulation 6(1)(a) (charge for the supply of a pair of elastic hosiery at Walk-in Centres).

(4) In regulation 9 (pre-payment certificates)—

- (a) in paragraphs (4), (6)(a), (11)(a) and (12), for “£27.85” substitute “£28.25”;
- (b) in paragraphs (4), (6)(b) and (11)(b) and (c)(i) and (ii), for “£102.50”, in each place that it occurs, substitute “£104.00”; and
- (c) in paragraph (6)(c), for “£10.25” substitute “£10.40”.

(5) In column (2) of Schedule 1 (charges for fabric supports and wigs) substitute—

- (a) for “£24.00”, “£24.35”;
- (b) for “£36.30”, “£36.80”;
- (c) for “£59.20”, “£60.00”;
- (d) for “£156.60”, “£158.90”; and
- (e) for “£229.05”, “£232.45”.

### **Transitional provision relating to the Charges Regulations**

3. Where, on or after 1st April 2009—

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(3) [S.I. 2003/2382](#); relevant amendments are made by [S.I. 2005/578](#) and [2008/843](#).

- (a) any appliance specified in Schedule 1 to the Charges Regulations is supplied pursuant to an order given before that date; or
- (b) any pre-payment certificate is granted under regulation 9 of the Charges Regulations pursuant to an application under that regulation which was received before that date,

the Charges Regulations shall have effect in relation to that supply, or as the case may be, the grant of, or any refund in relation to, that certificate, as if these Regulations had not come into force.

#### **Amendment of regulation 5 of the Travel Expenses and Remission of Charges Regulations**

4. In regulation 5 of the Travel Expenses and Remission of Charges Regulations (entitlement to full remission and payment), in paragraph (1), for “£15,050” substitute “£15,276”.

#### **Amendment of Schedule 1 to the Travel Expenses and Remission of Charges Regulations**

5.—(1) Schedule 1 to the Travel Expenses and Remission of Charges Regulations (modifications of the Income Support (General) Regulations 1987) is amended as follows.

(2) In column 2 of Table A—

- (a) in the entry relating to regulation 45, for “£22,250” substitute “£23,000”; and
- (b) in the entry relating to regulation 53—
  - (i) for “£13,500” substitute “£14,000”; and
  - (ii) for “£22,250” substitute “£23,000”.

Signed by authority of the Secretary of State for Health.

27th February 2009

*Dawn Primarolo*  
Minister of State,  
Department of Health

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**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to England, amend the National Health Service (Charges for Drugs and Appliances) Regulations 2000 (“the Charges Regulations”) and the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (“the Travel Expenses and Remission of Charges Regulations”).

Regulation 2 increases prescription and other charges payable under the Charges Regulations.

Regulation 3 makes transitional provision in relation to the supply of appliances and the grant of, or refunds in relation to, pre-payment certificates under the Charges Regulations.

Regulation 4 increases the amount of income which a person who is in receipt of tax credits may receive whilst remaining entitled to a full remission of charges under the Travel Expenses and Remission of Charges Regulations.

Regulation 5 increases the low income scheme capital limits in the Travel Expenses and Remission of Charges Regulations for people living permanently in care homes.

A full impact assessment has not been produced for this instrument as it has no impact on the private and voluntary sectors.